

The British West India Trade in Early American Diplomacy

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Preceding the Revolutionary War one of the most important trades carried on by the British colonies now constituting the United States was that with the West Indies. That with the British West Indies alone at that period is generally estimated at about 3,500,000 pounds sterling annually. (Lindsay's History of Maritime Shipping, III, p. 56 and Soley in Shaler's United States, II, p. 520) Chalmers sets it forth as follows: "There were engaged in the traffic between the United States and the British West Indies immediately preceding the revolt no fewer than 1610 vessels (including repeated entries) which bore 115,634 tons; which were navigated by 9718 men and which transported the vast American cargo of the value of half a million: and this intercourse the West India Committee assure us was carried on almost wholly in American bottoms." (Chalmers' Opinions on American Independence, p. 128.) The last clause in this is significant, for so long as the American states were dependencies of the British crown their ships could trade with all British dependencies on the same footing as those of the mother-country. The report of the Committee of Lords of the Privy Council of 1791 gives 2,234 ships with a tonnage of 107,739 as the medium of ships and tonnage entering

and clearing in the West India trade on an average of the years 1770, 1771, and 1772. (Report on the Trade of Great Britain with the United States, Jan. 1791, p. 20) The Americans supplied the people of the West Indies with lumber for their houses, staves for their casks, masts and even ships, flour, the poorer quality of fish, pork and beef, horses and oxen for their plantations, besides affording them a sure market for their surplus produce of molasses, coffee, sugar, rum and indigo. (Beer's Commercial Policy of England towards the American Colonies, p. 110-11 and Lindsay III, p 55.) This trade was as advantageous to the mother country as to the participants, for the annual balance to the advantage of the Americans went to procure English goods and manufactures. Beer (Beer, p. 108) says: "By this trade alone could the northern colonists obtain sufficient money and commodities to pay for the importations from England." This trade had been forced upon the northern colonies by the Navigation Acts of Charles II practically prohibiting the importation of corn and wheat into England. In order to procure English goods a third market must be found where they could exchange their normal products for commodities acceptable to England. This was found in the West Indies and once undertaken of necessity the Americans found it immensely profitable. The islands devoted mainly

to sugar raising with a large slave population needed vast quantities of provisions which the Americans supplied and received in return money or commodities acceptable to England. It was in contending for the continuance of this unrestricted trade that Edwards wrote : "It may I think be affirmed without hazard of contradiction that if ever there was any one particular branch of commerce in the world, that called less for restraint and limitation than any other it was the trade which previous to the year 1774 was carried on between the planters of the West Indies and the inhabitants of North America. It was not a traffic calculated to answer the fantastic calls of vanity or to administer gratification to luxury or vice; but to procure food for the hungry and to furnish materials (scarce less important than food) for supplying the planters in two capital objects, their buildings and packages for their chief staple productions, sugar and rum; the cultivation of which must absolutely have stopped without the means of conveying them to market. For the supply of those essential articles, lumber, fish, flour, and grain America seems to have been happily fitted, as well from internal circumstances as her commodious situation; and it is to a neighborly intercourse with that continent continued during one hundred and thirty years, that our sugar plantations in a great measure owe

their prosperity."(Edwards History of the West Indies,IIp.396)

During the war of the Revolution of course all intercourse with the rebellious colonies was forbidden(16 Geo. III, c. 5; 17 Geo. III, c. 7) but on the conclusion of peace Parliament repealed the prohibitory acts(23 Geo. III, c. 26) and in the same year passed the first act for regulating commercial intercourse with the now independent states of America.(23 Geo. III, c. 39) By this act it was provided that no document of any sort except exportation bonds should be required for any vessel belonging to the United States on coming into or clearing out of any British port, and the king was empowered to make regulations by orders in council for carrying on trade with the United States. The measure was merely temporary lasting only until December 20, 1783 but was continued for limited periods by each succeeding parliament. Under authority of this act a proclamation by the King in council, July 2, 1784 permitted the importation into the British West Indies by British subjects in British ships of all kinds of naval stores, staves and lumber, live stock, flour and grain of all kinds, the product of the United States and the exportation from the islands to the states of the West India productions, rum, sugar, molasses, coffee, cocoanuts, ginger and pimento under the same regulations as if these articles were cleared out for any

British colony.(Chalmers, p. 41, Edwards, II, p. 405, Macpherson IV, p. 26) This act worked such distress among the British West Indies that Edwards (Edwards II, pp. 405-6) relates that remonstrances and petitions for its repeal flowed in upon the next parliament from almost every island in the West Indies. On the other hand counter demands from the colonies of Canada, Nova Scotia, and St. John petitioned for its continuance.(Ibid, 406) The arguments of the latter, their respect for the Navigation System -- the paladium of British sea-power and the desire to drive the Americans from a trade the freightage alone of which amounted to the annual sum of 245,000 pounds sterling, prevailed and the commerce remained interdicted for the Americans.(Ibid 416 also Chalmers, p. 129)

As Lindsay points out(Lindsay III, 55) the independence of the United States materially complicated the navigation system of England for the first time. Previously though Great Britain refused to admit the produce of colonies of foreign powers in any but British ships, those powers in their turn declined to send their goods to England in any ships but their own. That is the law however rigorous did nothing but prescribe how a trade in which England had never had a part must be carried on should England be permitted

to enter it. "But," says Lindsay "the case of the United States was attended with much greater difficulty. Here was an extensive and flourishing maritime commerce averaging nearly 3,500,000 yearly which had hitherto been open to English and American vessels indifferently, but which was now by the operation of our Navigation Laws, confined entirely to the former. It was then that the strength and elasticity of our exclusive system were first severely tested." The prohibitive regulations were obnoxious in the exact proportion to which they were called into play. Pitt so far recognized this that in March 1783 he proposed a bill admitting the vessels of citizens of the United States in the British West India ports with goods of the growth, produce, or manufacture of the United States with liberty to export from those islands to the United States any goods or merchandise whatsoever. (Ibid, p. 56 also Edwards, II note p. 401 giving a copy of the proposed bill) But Pitt's ministry fell before this measure was passed and their successors passed the act of 1783 vesting in the Crown the regulation of the West India trade with America.

During all the time that the trade was regulated by the temporary orders in council the controversy continued respecting the rights to be conceded permanently to the United States. The argument for exclusion as presented by their ablest pamphleteers, George Chalmers and Lord Sheffield maintained that the United States had no claim to trade

with the British West Indies either by the law of nature of nations. Great Britain granted the Americans a concession it was claimed, and broke her navigation system to that extent when she allowed the British and American merchants to send the produce of the two places direct, in English ships. Though the Americans were inconvenienced, no injustice was done them. "The monopoly of their consumption and the carriage of the produce of the colonies is the only object for which we could be tempted to support the vast expense of their maintenance and protection," says Sheffield. (Sheffield, p. 138) It makes it, he pointedly argues, the interest of the remaining colonies in North America to be as independent as the American states in order to have their trade as open. (Ibid, p. 139) By prohibiting American vessels from engaging in this trade and by encouraging the Bermudas and Northern colonies a profitable occupation would be afforded the royalist refugees there, who had been so basely deserted in the treaty of peace. It was contended that the Northern colonies were abundantly able to furnish the islands with all they might need, while if they were not in spite of any laws which the United States might enact their islands had nothing to fear for they would be supported by the smuggling trade as the other West India islands were being supplied by the Americans. (Chalmers, p. 125) If the

Americans were allowed to enter the trade at all it was claimed that by carrying colonial produce home and reexporting it to Europe they would soon glut that market; then economic dependence was asserted to be equivalent to political dependence and for that reason not to be tolerated. Again a commercial treaty with the United States was opposed on the ground that the United States had nothing to give and consequently Great Britain nothing to gain, for the United States had no colonies whose trade could be opened in return and was moreover precluded from granting special commercial privileges to any power by treaties with France and Holland wherein each contracting party pledged itself "not to grant any particular favor to other nations in respect of commerce and navigation which shall not become common to the other." (French treaty of Amity and Commerce, 1778, Art. II, and equivalent expression in the Treaty with Netherlands, 1782, Arts. II & III) But through all their argument may be traced their faith in that fetish of British seapower-- the navigation system. "To the navigation laws we owe our consequence, our power and almost every great national advantage. The Navigation Act, the basis of our great power at sea gave us the trade of the world and if we alter that act, by permitting any state to trade with our islands

or by suffering any state to bring into this country any produce but its own, we desert the Navigation Act and sacrifice the marine of England."(Sheffield, p. 214) The argument against the claim of the United States to be treated upon a more favored footing than other nations is irrefragible so long as the Navigation System was adhered to but the plea for an exemption in their favor was grounded upon expediency if not upon necessity. In a memorial from the Agent of Jamaica, March 1785, to the British ministers, a limited intercourse with the United States in American bottoms is petitioned for, on the ground that "nothing but a reasonable participation in a trade with the United States can on many probable contingencies in future prevent them from ruin and death."(Document in Edwards, II, 429) "It is presumed" so the petition runs, "to be a fact, equally well established that the necessities of the said islands cannot be supplied, in any degree adequate to their wants, even from the United States unless in vessels actually belonging to the said States." The memorials of the islanders he declared to be dictated solely by the motives of self-preservation. Great hurricanes swept the West Indies in the years 1780, 1781, 1784, 1785, and 1786 and the scarcity of food was pitiable. A committee of the assembly of Jamaica in a report on the

slave trade(Edwards, II, p. 421)estimated 15,000 as "the number of slaves whose destruction may be fairly attributed to these repeated calamities and the unfortunate measure of interdicting foreign supplies; -- this number we fairly believe to have perished of famine or of diseases contracted by scanty and unwholesome diet between the latter end of 1780 and the beginning of 1787!"

In spite of these representations the permanent act of 1788 was passed declaring in its preamble the benefits derived from the former orders in council and the intention of making them permanent.¹ This act prohibited tobacco, naval stores, and lumber, live stock, bread, flour, potatoes, and grain of the growth or production of the United States unless imported by British subjects in British ships. Goods not prohibited to be exported from the West Indies to any foreign country in Europe might be exported to the United States and also sugar, molasses, coffee, cocoanuts, ginger, and pimento but all goods must be exported by British subjects in British ships. This act was in force at the beginning of President Washington's term of office. Up to this time the regulation of commerce was in the hands of the different states independently and each shaped its commercial policy to suit its own ends. The Congress of the Confederation in 1784 recommended to the legislatures of the different states the adoption of a resolution prohibiting for

1. 28 Geo. III, c. 6.

fifteen years trade of any kind in vessels belonging to any foreign power not having a commercial treaty with the United States. (Lindsay, II, p. 253) In 1785 New York laid a double duty on all goods imported in British ships. (Fiske: The Critical Period of American History) p. 142) Massachusetts and New Hampshire passed temporary acts prohibiting British ships from carrying goods out of their harbors and imposing a four fold duty upon goods imported by them. (Ibid, 143)

The courses adopted by the several states were as diverse as their aims. John Adams, first representative of the United States at the British court tried unsuccessfully to secure a commercial treaty with Great Britain. (Ibid, 139) The influence which the desire for a more satisfactory regulation of commerce had, in the formation of the new government under the constitution is well known. October 13, 1789, six months after his inauguration President Washington in a letter of unofficial instructions to Gouverneur Morris, at that time in Europe, requesting him to ascertain the views of the British government on the subject of a commercial treaty with the United States wrote: "In treating this subject let it be strongly impressed upon your mind that the privilege of carrying our productions in our vessels to their islands and of bringing in return the productions of those islands to our own ports and markets is regarded here as of the highest importance."¹ The result of these negotiations is

1. American State Papers, Foreign Relations I, p. 122.

announced in the President's message to the Senate February 14, 1791: "On the subject of a treaty of commerce, they(the British ministry) avoided direct answers so as to satisfy Mr. Morris they did not mean to enter into one, unless it could be extended to a treaty of alliance offensive and defensive, or unless in the event of a rupture with Spain."¹ Morris met Pitt and the Duke of Leeds but in spite of his representations of the injury England must suffer should the United States adopt retaliatory measures he could not induce them to take steps leading to a commercial treaty.(Foreign Relations I, 126)

The committee to whom the President's message on the subject of commercial relations with Great Britain was referred, February 21, 1791 reported a bill prohibiting the importation of goods or merchandise of foreign growth or manufacture except in vessels of the United States or in vessels belonging to the country whence the goods are sent or in ships of countries to which vessels of the United States shall be permitted to carry goods not of the growth, produce or manufacture of the United States.(Foreign Relations, I,p. 128) This bill failed of passage but in view of the discriminating regulations and the system of countervailing duties later entered upon by each country it should be noted that the third act passed by the first Congress was one levying a discrimination duty on tonnage.(U. S. Statutes at Large I,

1. Foreign Relations I, p. 121.

1st Cong. Sess. I, Ch. III, 1789) On ships built in the United States and blonging wholly to the American citizens a duty of six cents a ton was levied; on ships built in the United States and belonging wholly or in part to foreigners thirty cents; and on all other ships, i. e. ships built and owned abroad fifty cents. June 17, 1789 it was ordered in the Senate that a committee be appointed "to arrange and bring forward a system for the regulation, of the trade and intercourse between the United States and the territory of other powers in North America and the West Indies so as to place the same on a more beneficial and permanent footing." (Annals of Congress I, 46) August 5, 1789 Senator Butler, chairman of this committee reported that it would be expedient to pass a law imposing an increased duty of tonnage for a limited time, on foreign ships taking on board goods for any port in America to which vessels of the United States could not carry their own produce, (Ibid I, p. 57) but such a law being of the nature of a revenue law the committee advised that the origination of it be left to the House of Representatives.

In his Report on the Privileges and Restrictions on the Commerce of the United States in Foreign Countries December 16, 1793 in accordance with a request from the House of Representatives, Jefferson, at that time Secretary of State, gives the British regulations governing the West India trade. (Annals of Cong. IV p. 1294 Appendix) Following

this report there ensued a long debate over the commercial policy to be adopted by the United States, the West India trade relations since the Revolution were thoroughly reviewed and British regulations compared with those of France. (Ibid p. 155, seq.) But in spite of Madison's efforts for further restrictions and higher duties, a large following headed by Ames successfully resisted all measures laying further impositions upon commerce.

The subject of the West India trade was next approached in the Jay negotiations of 1794. In the instructions to Jay as envoy extraordinary for negotiating the treaty, the first of the points he is directed to secure is: "Reciprocity in navigation particularly to the West Indies and even to the East Indies." (Foreign Relations I, p 473) Further his instructions continue, "If to the actual footing of our commerce and navigation in the British European dominions could be added the privilege of carrying directly from the United States to the British West Indies in our own bottoms generally or of certain defined burthens, the articles which by the act of Parliament 28 Geo. III, c. 6 may be carried thither in British bottoms, and of bringing from thence directly to the United States in our bottoms of like description the articles which by the same act may be brought from thence to the United States in British bottoms, this would form an acceptable basis for a treaty for a term not exceeding fifteen

years; and it would be advisable to conclude a treaty upon that basis." (Ibid 473) In a letter from Hamilton to Jay May 6, 1794 in which Hamilton sends sundry documents containing information which may be of use in his mission, Hamilton writes: "There is a fact which has escaped observation in this country and which as there has existed too much disposition to convulse our trade, I have not thought it prudent to bring into view, which it is interesting you should be apprised of. An act of Parliament (27 Geo. III, Chap. 27) allows foreign European vessels, single decked and not exceeding seventy tons burden, to carry to certain ports in the British West Indies, particular articles therein enumerated, and also to take from thence certain articles. This consequently puts an end to the question of precedent which is so strongly urged against a departure from the British navigation act in our favor, since it gives the precedent of such a departure in favor of others, and to our exclusion -- a circumstance worthy of particular notice. Our relative situation gives us a stronger plea for an exception in our favor than any other nation can urge." (Works of Alex. Hamilton IV, p. 311)

In his first draft of a treaty which he thought might prove acceptable, Jay inserted an article on the West India trade, allowing American vessels of one hundred tons or under to carry to the British West India ports any goods which British vessels might carry from the United States to the West Indies.

West Indies, subject only to such tonnage duties as British vessels pay in the United States and such other duties as British vessels and cargoes from the United States are liable to; American vessels being allowed to carry away any productions of the islands that they wished, paying only such duties on exportation as such vessels and cargoes if British, would be liable to: provided they land such produce only in the United States, excepting only reasonable sea-stores and rum made in the United States from West India molasses. (*American State Papers; Foreign Relations* I, p. 486) August 30, Grenville transmitted to Jay his draft for a treaty which as regards the West India trade differed materially from Jay's draft only in that the burden of the American vessels permitted to engage in the trade was reduced from one hundred to seventy tons. (Ibid I, 489) This draft contained the provision found in the first treaty that at the expiration of two years after the close of the war in which Great Britain was then engaged the two contracting parties would treat further with a view to the mutual advantage and extension of commerce. The objectionable provisions prohibiting the carrying of molasses, sugar, coffee, cocoa or cotton by American vessels either from the West Indies or United States to any part of the world, appeared only in the final draft in an attempt to specifically enumerate those articles, the produce of the West Indies only, the carriage

of which had by the former drafts been prohibited to American vessels.(Foreign Relations I, p. 493) The enumeration of cotton was due to Jay's lack of information.(T. Lyman's Diplomacy of U. S. I, p. 204) In his letter accompanying the treaty Jay wrote: "The twelfth article admitting our vessels of seventy tons and under into the British islands in the West Indies affords occasion for several explanatory remarks. It became connected with a proposed stipulation for the abolition of all alien duties, of every kind, between the two countries. This proposition was pressed but strong objections opposed my agreeing to it; a satisfactory statement of the negotiation on this point would be prolix."

(Foreign Relations I, p. 503) During the negotiations Jay wrote to Randolph, Secretary of State "I might also inform you that I had strenuously urged the justice of compensation for the detention of the posts, and that I consider the privilege of trading to the West Indies as providing for claims of that kind."(Ibid I, 499) In answer to Randolph's criticism of the treaty, Jay admitted that it did prohibit the re-exportation from the United States in American vessels of the articles enumerated even though brought from the French or Dutch West Indies.(Ibid I, 520) In a letter to Washington, March 16, 1795, Jay explains the established prejudice which had to be combatted in England and the importance of the

concession secured: "Various circumstances, however induce me to believe that the Cabinet ultimately determined to give conciliation a fair experiment by doing us substantial justice and by consenting to such arrangements favorable to us, as the national interests and habitual prejudices would admit. To relax the navigation act was to alarm these prejudices, and therefore was a measure which required caution and circumspection, especially in the first instance. To break the ice was the difficulty. To enlarge the aperture afterward would be more easy; and it will probably be done if we should be reasonably temperate and prudent. To admit us into their East and West India dominions, and into all their continental American territories, under any modifications, were decided deviations from their former policy and tended to shock ancient prejudices. Yet these things have been done. None but a strong administration would have ventured it. These are offerings to conciliation and include, though not confessedly, satisfaction to our claims of justice." (Correspondence and Public Papers of Jay IV p. 163) Later in the same letter he says: "Mr. Randolph does not see the West India article in the same light that I do. It breaks the ice — that is, it breaks in upon the navigation act. The very article stipulates that the arrangements to succeed it shall have in view the further extension of commerce." (Ibid p. 170) Nevertheless so much opposition was aroused

in the Senate by the restriction which the article would necessarily have placed on our carrying trade and by the total prohibition of the exportation of cotton (which alone at the time of the ratification of the treaty amounted to 1,600,000 pounds and at the time this article would have expired, amounted to over 38,000,000 pounds annually), (Pitkin's Statistical View of the Commerce of the United States (1817) p. 132) that the twelfth article was suspended and the trade continued to be prohibited to American vessels.

But during the wars with France following 1792, the difficulty of supplying their island colonies made it necessary for the British government to open these ports to American vessels, almost every year for certain limited periods. Up to 1806 this was done by proclamations issued by the Governors of the islands and we find among the acts of Parliament a provision, often renewed, for indemnifying governors and lieutenant-governors who have permitted trade in foreign bottoms. These proclamations were an open and acknowledged infraction of the navigation system and were adopted only as measures of absolute necessity. Although such was the extremity in the British possessions, the state of the other West India Islands was much worse. The vast superiority of England's navy rendered intercourse between the European powers at war with her, and their colonies extremely

difficult. They were therefore obliged to depend in great measure upon neutrals to carry on a trade which in ordinary times was exclusive. "The valuable productions of the French, Spanish and Dutch East and West Indies had no other way of finding their way to Europe without great risk and expense but by the aid of a neutral flag. The local situation of the United States in relation to the West India Islands, and their long accustomed habits of intercourse with them naturally threw a great proportion of this trade into the hands of the Americans." (Pitkin's Statistical View p. 165) American shipping grew by leaps and bounds. Our merchant marine became second only to that of Great Britain. The proportion of American carriage in the foreign trade of the United States in the period 1794-1810 reached an average of 89 %-- an amount exceeded by only one per cent at any time during our national history, and as against 24 % in 1789 while the American tonnage registered for the foreign trade in 1807, just before the embargo amounted to 810,163 tons as against 123,893 tons in 1789. (J. R. Soley: Chapter X on Maritime Industries of America in Shaler's U. S. of A. II 527 fg.) While the total value of exports in 1806 amounted to \$108,343, 150 as compared with \$19,012,041 in 1790.-- an increase of \$89,331,109 in sixteen years. And this unprecedented growth in commerce in spite of French arrets and British orders in council. Except for the eighteen months' peace following

the treaty of Amiens when European shipping was released once more, the American tonnage grew steadily up to the close of the year 1807 and the passage of the Embargo. Lord Sheffield as early as 1804 pointed out the alarming commercial activity which the Americans were showing. He called attention to the large amount of foreign commodities brought into the United States for re-exportation: \$2,000,000 in 1790 as he cites it against \$30,000,000 in 1800. The marvelous growth of American shipping in the direct trade from the United States to Great Britain is set forth by him as follows: In 1789 the British tonnage amounted to 72,000 tons to the Americans 21,000 while in 1800, just eleven years later the British tonnage had shrunk to 14,000, as against 110,000 for the Americans. (Lord Sheffield: *Strictures on the Navigation and Colonial System of Great Britain*, London, 1814, p. 19)

During this general development of American shipping the British West India trade grew apace. The British regulations were so far suspended or infringed that Pitkin says that our own ships were principally employed in the trade (Pitkin's *Statistical View*, p. 217) while Lord Sheffield lists 1289 American vessels with a tonnage of 139,911 entering the British West Indies annually on an average of the years 1795, 1796 and 1797. (Lord Sheffield, *Strictures*, p. 53) On the basis of these statistics or of Pitkin's for 1799, 1800 and 1801, we can verify Lyman's statement made for a period fifteen years later that the trade to the British West Indies

constituted about one-fifth of the total export trade of the United States. (Lyman's Diplomacy of the United States, II, 318) So far from Chalmers' and Sheffield's contention that if the navigation system was upheld the British North American colonies would soon abundantly supply their West India Islands, being justified, we find according to an account of an Englishman, David Anderson, 1814, quoted by Pitkin, that during the years 1804, 1805 and 1806 the United States supplied the British West India Islands with more than nine-tenths of their flour, meal and bread, about two-thirds of their indian corn, oats, peas, and beans, about one-half of their beef and pork, more than one-half of their ~~dried~~ fish and nearly the whole of their live stock and lumber. (Pitkin's Statistical View, p. 218)

In 1805 Parliament passed an act discriminating against the United States in the West India trade. (45 Geo. III, c. 57) This act allowed the importation of wool, cotton, indigo, drugs, furs, cabinet woods and live stock, the production of colonies in America belonging to European powers in vessels of those places, having not more than one deck.

British aggressions during this period were numerous; during the discussion on the protection of American seamen, Representative Crowninshield, January 23, 1815, reported in the House that proclamations had been issued by the governors of the several British West India Islands interdicting

the American trade after May of that year and he offered a resolution instructing the Committee on Commerce and Manufactures to inquire into the expediency of prohibiting the exportation from the United States of all goods in foreign ships bound to any port with which the vessels of the United States were not allowed communication or where a free and unrestricted trade was not permitted in the productions of the United States. (Annals of Congress, XIV, p. 1007) At the next session he went farther and February 10, 1806 introduced a resolution prohibiting all commerce with any European colonies in the West Indies which did not accord to the United States perfect freedom of trade. (Annals of Congress, XV, p. 452) Although neither of these resolutions were carried, British aggressions upon neutral trade became so flagrant that in April 1806, Congress passed the famous non-importation act prohibiting the importation from British dominions of manufactured articles which could be secured from countries outside the British Isles. In this year also according to Pitkin and Lyman the king and council became exclusive judges of the necessity for opening the colonial ports and proclamations permitting infractions of the law originated only with them. (Pitkin's Statistical View, p. 215, and Lyman's, Diplomacy of U. S., II, 316)

At London, the American minister, Monroe labored unsuccessfully in turn with Pitt and Addington for a settlement of the American complaints. In May 1806 William Pinkney

was sent to join him and the two were made Commissioners Extraordinary and Plenipotentiaries to treat concerning the maritime wrongs and the regulation of commerce and navigation. In their instructions drafted by Madison they are charged that "as relates to the West Indies and North American colonies it must be a permanent object of the United States to have the intercourse with them made as free as that with Europe." (American State Papers, III, Foreign Relations, ^{III, p. 123.} Negotiations proceeded slowly; Fox, the most congenial of the Foreign Ministers with whom Monroe had had to deal, was stricken with the gout and it was not until the last of August that British negotiations were commissioned to treat with the American envoys. But in December, 1806 President Jefferson, in a special message to Congress, announced that the negotiations promised well and advised that as a mark of candid disposition on our part and as an evidence of the good feeling which the treaty is designed to promote that the Non-Importation Act which went into effect November 15 of that year be temporarily suspended. Accordingly December 19 Congress authorized the President to suspend the act at his discretion, such suspension not to extend later than December of the next year and at the same time remitted all penalties incurred up to that time. In spite of these manifestations of a spirit of conciliation in America, no satisfactory concessions could be secured from the British negotiators. On the question of the British West

India trade Article six of the treaty simply recited that since the contracting parties were unable to arrange a commercial treaty covering that subject, each of the parties shall remain in complete possession of its rights in respect to such an intercourse. By this time all propositions for American participation in the British West India trade had to encounter an opposition which they had never experienced before 1798; this was the influence of the West India colonists themselves. How this change came about is soon explained. The staple product of the West Indies was sugar and up to 1798 the profits of the planters had been large. But the large profits caused over-production. American ships as neutral carriers glutted the European ports with French and Spanish sugar; deprived of a market for their staple the British plantations underwent great distress; debarred by the shipping interest from sending their sugar to the United States they saw no other course than to join the British shipping interest and invoke the aid of the navigation system. Odious as they had found the navigation laws, they were now willing to submit to them if by their strict enforcement this neutral trade could be stopped. Adams presenting their views says, "If this neutral trade could be stopped, the supply of French and Spanish sugar would be left to rot in Cuba and Guadeloupe while British colonial produce would enjoy a monopoly throughout Europe." (Henry Adams' History of the United States, II, p. 416)

This explains the opposition which Monroe and Pinkney, in their comment on the treaty, report that they have found: "The sixth article relates to the commerce with the West Indies which it was found impossible to arrange in a satisfactory manner. There were many serious obstacles to an agreement on this point, some of which seemed to be particularly applicable to the present time. The British West India merchants had at an early stage represented that, by the trade which our citizens enjoyed with the colonies of their enemies, we had so completely stocked the markets of the continent with West India productions as to shut those markets on them. They had remonstrated earnestly against any arrangement of that point which should sanction, in any degree, our trade with those colonies. This question had taken deep hold of the minds of a great proportion of this community, among whom may be classed not those in the mercantile line only, who were immediately engaged in the trade but the whole commercial interest, and many in other circles of great consideration in the country. They (the British commissioners) were apprehensive that any regulation of this trade, however fair it might be, which should accompany their sanction of that with the colonies of their enemies, would produce the worst effect with all parties, and endanger any treaty which might be formed." (American State Papers, Foreign Relations, III, 143) But the treaty negotiated by

Monroe and Pinkney so outraged Jefferson's commercial creed that he refused to even present the treaty to the Senate. A list of the essential alterations which must be secured before the treaty would be accepted were at once transmitted to our commissioners. Negotiations were once more resumed but before they had proceeded far, news arrived of the attack upon the Chesapeake by the Leopard; this completely changed the course of negotiations, the commission was broken off, Monroe returned home and Pinkney replaced him at London.

So great were the dangers to neutral carriers now that December 18, 1807 President Jefferson recommended an act prohibiting the departure of our vessels from the ports of the United States. Within four days ~~passed~~ the Embargo Act ^{was passed.} In consequence of this act exportations from the United States to the British West Indies fell from nearly six million to one and a half million dollars in pace with the total American exports which fell from one hundred and eight millions to twenty-two million dollars. The trade of New England was temporarily paralyzed. After the repeal of the Embargo and Non-Intercourse Acts the trade was once more regaining its normal proportions at the outbreak of the war with Great Britain. During its continuance of course the West India trade was completely suspended, but February 25, 1813 President Madison sent to Congress a special message in which he indignantly comments upon a British order in council and

West India proclamation providing for a supply of the British West Indies by a trade under special licenses. (Messages and Papers of the Presidents, I, p. 522) The instructions to the colonial Governors directed them to confine licensed importations from the United States to the ports of the Eastern States exclusively. While professing entire confidence in the Eastern section, Madison advised the passage of an act effectually prohibiting any trade by citizens of the United States under special licenses, whether relating to persons or ports in order to guard against individual cupidity and treachery. In special messages July 20 and December 9, 1813 the President again referred to the matter, advising the total prohibition of exports. In accordance with this recommendation the second embargo act was passed December 17, 1813. (repealed April 14, 1814)

In the commercial convention concluded by Adams, Gallatin and Clay in 1815, though a reciprocal freedom of commerce was secured with British territories in Europe, it was expressly provided that the intercourse between the United States and the British West India should remain unaffected by the treaty, each party remaining in complete possession of its rights with respect to such an intercourse.

Consequently British ships entering ports of the United States were exempted from the discriminating foreign tonnage duties. (See, Act of Congress, March 3, 1815 Ch. 77) Though

nominally the trade between the United States and the British European possessions was arranged on terms of perfect reciprocity, as a matter of fact it was far otherwise, for by entering their West India ports which were forbidden to American vessels the British enjoyed a circuitous route and rapidly regained the carrying trade over the American ships confined to the direct route. President Madison in his eighth annual message to Congress December 3, 1816 reports: "The depressed state of our navigation is to be ascribed in a material degree to its exclusion from the colonial ports of the nation most extensively connected with us in commerce and from the indirect operation of that exclusion.

. . . . The British government enforcing now regulations which prohibit a trade between its colonies and the United States in American vessels, whilst they permit a trade in British vessels, the American navigation loses accordingly, and the loss is augmented by the advantage which is given to the British competition over the American in the navigation between our ports and British ports in Europe by the circuitous voyages enjoyed by the one and not enjoyed by the other." (Messages and Papers of the Presidents I, p. 574) In accordance with the President's recommendation, Congress January 14, 1817 passed an act which was continued by one of March 3, levying a duty of two dollars per ton on foreign vessels entering the ports of the United States from any foreign place "with which vessels of the United States are

not ordinarily permitted to enter and trade," and March 1, 1817 in almost the exact words of the English navigation act it was enacted that after September 30, 1817 no merchandise should be imported into the United States from any foreign place except in vessels of the United States or "in such foreign vessels as wholly belong to citizens or subjects of that country of which the goods are the growth, produce or manufacture or from which such goods can only be or most usually are first shipped for transportation." In March 1817 a draft of four articles was communicated by Lord Castlereagh which he declared embraced all that could then be granted by Great Britain toward admitting the United States to a participation in the colonial trade. (Foreign Relations, Vol. VI, p. 223)

The first of these articles extended to the United States the provisions of the Free Port Acts of Parliament of June 27, 1805 and June 30, 1808 authorizing a trade in certain enumerated articles with certain enumerated ports of the British West India islands, to colonial inhabitants of foreign European possessions, in vessels of one deck. The third article proposed to allow access to vessels of the United States to Turk's Island for salt and to import tobacco and cotton wool produce of the United States, while the second and fourth articles referred to the trade with Bermuda and the North American colonies respectively. The administration did not consider the articles sufficiently concessive and determined to continue the countervailing policy upon which its predeces-

sor had entered. The question of the West India trade was referred to by Monroe in his first annual message December 2, 1817 and was debated at some length in both House and Senate. Barbour of Virginia, chairman of the Committee on Foreign Relations presented the case in the Senate. Of the British policy he said: "The more intolerable as it is exclusively directed against us, inasmuch as she indulges to the vessels of other nations an intercourse withheld from us; a course aggravated by the consideration that she stands alone in this policy, American vessels being admitted into the French, Spanish, Dutch and Swedish colonies." (Annals of Congress, Vol. 31, p. 315) The amount of tonnage employed in the trade from the United States to the British West Indies he estimated at 138,000. He set forth the handicap under which American vessels, confined to the direct trade with England, suffered for want of cargo during part of the voyage: "They return generally in ballast. The bulky supplies furnished by America require perhaps one hundred vessels to be transported to Great Britain while what they receive in return (the costly fabrics of British manufacture) may be brought back in some two or three." In the House Mr. Forsyth, Chairman of the Committee to which was referred that part of the President's message relating to commercial intercourse of the United States with the British West India Islands and North American colonies, and also the petition of the inhabitants of the District of Maine on the same subject, made an elaborate

report, February 4, 1818. The Committee estimated that American vessels were used in the transportation annually of \$2,177,924 worth of merchandise between the United States and the British West India islands and North American colonial possessions, and British vessels carried \$11,322,076 worth of the most bulky articles of commerce, one half of which was the produce of the United States." "This inequality," they report, "in the advantages of this commerce, to the injury of the navigating interest of this country, arises from the rigorous enforcement of the colonial system of Great Britain as to the United States while it is relaxed to all nations who are friendly to the British empire and have colonial possessions. The portion of the commerce which is carried on in American vessels arises from accidental and temporary suspensions of the system which the governors of the islands are permitted under the pressure of dire necessity to direct, — an employment for our seamen and vessels precarious and momentary, rather irritating and tantalizing than profitable. This intercourse appears to the committee in the worst possible state as it regards the navigation of the United States, while it is in the best for that of Great Britain." (American State Papers, Foreign Relations, V, p.1)

The committee report the unusual vigor with which the colonial system of Great Britain had been enforced since the war, neither American vessels nor property being admitted and very heavy duties imposed in the West Indies on American produce even when carried in British ships. This agrees with

the reports in Niles; as early as September 23, 1815 Niles says: "There is a decided disposition in the British to exclude our vessels as much as possible from all their colonies. Some of their acts in the West Indies are outrageously severe. The ship-owners of the east begin to talk a new language." (Niles' Register, Vol. IX, p. 64.) As a result of the recommendations contained in these reports, Congress April 18, 1818 passed a yet more stringent law governing the British West India trade. In accordance with its provisions after September 30 of that year the ports of the United States were closed against British vessels coming from colonial ports which by the ordinary laws of navigation and trade were closed against vessels of the United States; after that date all British ships taking on board productions of the United States in American ports must, on pain of forfeiture, give bonds in a sum double the value of such articles, not to land them in a British colony or territory from which by the ordinary laws vessels of the United States were excluded. The faith underlying all these acts was the statement insisted upon by the House committee that the commerce was essential to the West Indies and only convenient to the United States.

In his instructions July 28, 1818 to Rush and Gallatin, American plenipotentiaries for the renewal of the convention of 1815, Adams, Secretary of State, charged them to urge upon the British government the extension of the principles of that convention to the commercial intercourse with their

colonies in the West Indies. "Our navigation act passed at the last session of congress is well calculated to bring this system to a test by which it has not hitherto been tried; and if the experiment must be made complete, so that the event shall prove to a demonstration which of the two countries can best stand this opposition of counter-exclusions, the United States are prepared to abide by the result. Still we should prefer to remove them at once if for no other reason than that it would have a tendency to promote good humor between the two countries." (American State Papers, Foreign Relations, IV, p. 375) The result of the negotiations of 1818 was the renewal of the commercial convention of 1815 for ten years. Unable to agree upon the regulation of the West India trade, the American envoys referred the proposals of the British plenipotentiaries to their government at Washington. After all the efforts of the American negotiators, The British still insisted upon protecting the productions of their North American colonies by levying higher duties in the West Indies on similar productions from the United States and on prohibiting the exportation of sugar or coffee from the islands to the United States. (See Rush's Memoranda of a Residence at the Court of London, p. 425 & Am. State Papers, Foreign Relations, IV, 397) These terms were unequivocally rejected by the administration.

This same year Parliament, following their policy of discrimination passed an act allowing entrance in their

West Indies to the productions of colonies or possessions in the West Indies or on the continent of America under the dominion of any foreign European power.(58 Geo. III, c. 27) But a much more important measure was the free-port act by which England strove to break down the American navigation system.(58 Geo. III, c. 19) By this act the king was empowered to appoint certain free ports in New Brunswick and Nova Scotia, from which re-exportation was confined to British ships or foreign vessels belonging to the country to which the goods were exported. Senator Macon reported from the Committee on Foreign Relations in February of 1819 that so far as the operation of the late navigation law was understood it seemed to have been advantageous.(Foreign Relations, V, p. 13) But the free ports of Halifax and St. John's were drawing American produce, whence it was carried to the West Indies in British bottoms. To repair this breach in their system Congress May 15, 1820 closed the ports of the United States against British vessels coming from any British colony in the West Indies or on the continent and forbade the importation of all goods from British colonies except in direct trade from the place of production.

The brunt of this war of commercial restrictions and differential duties was necessarily borne by the helpless West Indians. From the American point of view their commercial system was certainly effective. Niles reports Octo-

ber 31, 1818: "The general assembly of the island of Jamaica have voted to present a memorial to the British prince regent, representing 'the dreadful evils they are threatened with' by the new navigation system of the United States and praying that measures may be adopted to avert them." (Niles Register, Vol. 15, p. 151) and June 1, 1822: "The British islands generally are suffering great agricultural and commercial distress and are sending additional petitions to the King for relief. They want an open trade with the United States." (Ibid Vol. 22, p. 223)

In 1822 England (coerced, Sumner says, by the acts of Congress of 1818 and 1820¹) took the first step towards opening the trade. By Parliamentary act of that year all previous laws governing the West India trade were repealed and the trade limited to specified articles at specified ports was opened to vessels of any foreign country in America or the West Indies, carrying their own produce, in direct voyages, subject to the colonial duties and the equivalent of ten per cent. differential duty; (3 Geo. IV, c. 44) this last to protect the products of their North American colonies. The exportation from West India ports in foreign vessels was restricted to the country to which the vessel belonged. By the fifteenth article the king was empowered to prohibit intercourse with any country if it should appear that the privileges granted by the act to foreign ships were not al-

1. Sumner's Life of Jackson, p. 169.

lowed to British vessels trading with that country.

During the session of 1822 Congress had intimation that an act was pending in Parliament for the opening of the West India ports (Benton's Thirty Years' View, I, p. 125 and Foreign Relations, VI, p. 222) and accordingly in order to show our willingness to terminate a system of exclusion and prohibition which could only be injurious to both parties the President was authorized on receiving satisfactory evidence that the ports in the islands of the West Indies under the dominion of Great Britain had been opened to vessels of the United States, to declare the ports of the United States open to British vessels, subject to such reciprocal rules and restrictions as the President might make, anything in the acts of 1818 or 1820 to the contrary notwithstanding. (Act of May 6, 1822) Accordingly on learning of the Parliamentary regulation of June 24, the President issued his proclamation of August 24 opening the ports of the United States to British vessels bearing the produce of the British colonies direct from the place of production. (Messages and Papers of the Presidents, Vol. II, p. 184) A treasury circular of September 14, 1822, supplementing this, notified the collectors that British vessels arriving from colonial ports were not entitled to the privileges of the convention of 1815 but were liable to one dollar per ton for tonnage dues and light money and their cargoes to the usual discriminating duty of ten per cent levied on importations of goods in foreign vessels not privi-

leged by treaty stipulations.(Niles, Vol. 23, p. 87)

Within six weeks Stratford Canning, British minister at Washington notified Adams that the treasury circular had been pressed upon his notice by several of his Majesty's consuls.(Foreign Relations, Vol.VI,p. 214) With this began a series of complaints from Canning to Adams protesting against the operation of the American regulations. These complaints embraced the duty on tonnage and cargo and the restriction of importation to the place of production.(Ibid,VI,215) In reply Canning was informed that the President's power of regulating the trade included only the laws of 1818 and 1820 and that the discriminating tonnage and cargo duties were outside these enactments and altogether independent of any restrictions which had been imposed on the commercial intercourse between the United States and the British colonies in America; the act of Parliament admitted American vessels only on a footing of exceptions and under circumstances of a marked discrimination to the advantage of British vessels, hence the British vessels from those ports could not claim the privileges granted by the act of March 3, 1815; American vessels were admitted only to a direct trade, both from the United States to the enumerated ports and from the enumerated ports to the United States. They were permitted to introduce under heavy duties only certain enumerated articles from which were excluded the most profitable articles of the produce of the United States and most needed in the colonial ports; lastly Adams charged that they were subject to a very heavy export duty in addition to the duties prescribed by Parliament.(Ibid, VI, 215 - 216) Canning

still insisted in correspondence and conference that the export duty complained of was one levied upon British as well as foreign vessels while the tonnage duty of the United States was a palpable violation of the spirit of the act of Parliament which extended the privileges of the trade only to those nations granting like privileges to British vessels. Adams scoffed at the "privileges" and maintained that in point of fact the President's proclamation was more extensive in its operation than the act of Parliament while he wrote to Rush that in spite of Canning's documents from the West India ports they had satisfactory information that in some of them there were discriminations to our disadvantage besides those of the act of Parliament. (*Foreign Relations* ~~Ibid~~, VI, 228)

In March 1823 Congress passed an act to regulate the newly acquired trade. The non-intercourse acts of 1818 and 1820 were suspended and the ports of the United States opened to British vessels bearing directly from West India ports, products which might be imported on equal terms in vessels of the United States. On proof being given to the President that "no other or higher duties of tonnage or import and no other charges or any kind" were levied upon vessels and cargoes from the United States than upon British vessels or upon their cargoes "imported into the said colonial ports from elsewhere"; The President might by proclamation declare no higher duties to be levied upon British vessels and goods

from those ports than upon vessels of the United States; until that time there was retained a differential tonnage duty of ninety four cents per ton on British vessels engaged in the trade and ten per cent. additional upon the articles imported in them. (Foreign Relations, Vol. VI, p. 229) Canning contended that these regulations were not counterparts of the British regulation and continually alluded to the provision empowering the king to prohibit trade with any country not granting like privileges; while Adams stoutly maintained that though not the specific counterparts of the British regulations, the American restrictions were analagous and adopted expressly to countervail all restrictions to which American trade with their colonies was subject whether enacted by the act of June 22, 1824, by the navigation act of Charles II or recognized and permitted by colonial ordinances or local regulations; He says: "This was insisted upon by our plenipotentiaries at the discussion during the negotiation of the convention of 1818 and Great Britain could not justly expect the discriminating surcharges, the reserved right of levying which we unequivocally refused to sanction with our consent as a bargain, we ¹ should be ready to accept as a dispensation of British law." But the point upon which negotiations stuck was the provision requiring that no higher duties be levied upon American vessels and their cargoes than upon British vessels or upon their cargoes imported into the colonial ports from elsewhere. This Adams interpreted to mean from

1. American State Papers; Foreign Relations, VI, p. 229.

anywhere else saying that the words were adopted with express reference to Great Britain and the North American colonies. The words "from elsewhere" were the significant part of the act and Benton quoting Senator Samuel Smith of Maryland bitterly charges Adams, who, he says, drafted the bill, with surreptitiously inserting them, noticed and understood by no one, and as a consequence losing the trade for us. (Benton's Thirty Years' View, I, p. 125) Adams in his dispatches to Rush at the time is very explicit upon precisely this point. He says the bill was introduced into the Senate by the Committee on Foreign Affairs at an early period of the session and that a copy was submitted to the British minister while it was in discussion before the Committee. "The full import of the term elsewhere in the second, third and fifth sections of the act, which formed the principal subject of these remarks was deliberately examined and settled as well in the Senate as upon a consultation by the President with the members of the administration and was explicitly made known to Mr. Canning." (Foreign Relations, Vol. VI, p. 228) and again referring to the meaning and extent of the term as questioned by Canning he says, "This was fully discussed during the passage of the act and was well understood by him." (Ibid, VI, 229) Nevertheless the claim of admission to the West India trade on the same footing as their own dominions was inadmissible in the eyes of English statesmen and July 17 an Order in

Council laid a duty of four shillings and three pence sterling per ton on American vessels entering colonial ports, in order to countervail the American tonnage duty. (Rush's Residence at the Court of London, p. 518)

Mr. Rush who had already conducted the negotiations of 1818 concerning the trade was authorized to renew negotiations at London to the end that the discriminating duties and charges on both sides might be removed. On the part of the British Stratford Canning and William Huskisson were appointed to confer with him. The differences of the two nations were reduced to the single point— the admission of American productions to West India ports on the same terms as those from elsewhere, or from any other foreign country. The United States maintained that different parts of the British empire, falling under different commercial regulations should be regarded for purposes of trade as separate countries while England quite naturally insisted that the colonies were one and the same country with herself and the whole to be protected by her complex commercial system. The provision that each should admit the productions of the other on the same terms as those of any other foreign country was only nominally reciprocal for the reason that the West India islands obtained produce like that sent from the United States from no other foreign country, the competition being with the British North American colonies, whereas the United States did receive

from Cuba, from St. Domingo and from other foreign islands and countries the same kind of produce as that of the British West Indies. On the other hand it could not be doubted that if the productions of the United States were admitted to the British West India on the same terms with those of Canada or Nova Scotia, the advantages of the Americans were such that they would soon secure the entire trade just as they had during colonial days. The British negotiators saw this quite clearly. They report: "There is reason to suppose that about two-thirds of the flour and lumber received from North America by the British West Indies are produced by the United States and it is not too much to say that even seven-eighths of that quantity are conveyed to the market in American vessels, while even upon the return trade it appears that American vessels enjoy a share not greatly ^{inferior} ~~superior~~ to that proportion. . . .

. . . With every disposition to remove unnecessary obstructions from the trade and to keep the protecting duties within fair and moderate bounds . . . it is impossible for the British government to admit a condition which would expose their North American provinces to a total exclusion from the West India market, and that, as they conceive, without any equivalent concession being proposed on the part of the United States." (Foreign Relations, Vol. VI, p. 244)

In 1825 Parliament undertook a general revision of the colonial and navigation system. Huskisson was winning the nation over to more liberal privileges of trade. By act of

July 5, 1825, with regard to the colonial trade, the powers which had colonies were divided from those which had not. Her own colonial ports were opened to the vessels of nations possessing colonies, on the same terms on which British vessels were admitted in those colonies. To nations possessing no colonies admittance was granted on condition that British shipping was placed upon the footing of the most favored nation. This offer was to stand open to all nations for one year and was to go into operation in favor of any who within that time should give notice of their acceptance of it.

The negotiations concerning the trade had, as Adams announced in his annual message of 1826, by mutual agreement been considered as pending during all this time. Rush was replaced at London by King and King by Gallatin. The act of 1825 was intricate and so ambiguous in meaning as to have been misunderstood by the officers in the colonies who were to carry it into execution; such was the reason offered by Adams for not immediately availing himself of its privileges. He says: "With the knowledge that a negotiation upon the subject had long been in progress and pledges given of its resumption at an early day, it was deemed expedient to await the result of that negotiation, rather than to subscribe implicitly to terms the import of which was not clear and which the British authorities in this hemisphere were not prepared to explain." (Foreign Relations, Vol. VI, p. 209) For the purpose of finally settling this vexing question Mr.

Gallatin was sent over by the United States in 1826. The negotiations now entered upon by Mr. Gallatin, of which the regulation of the West India trade formed a part is estimated by Mr. Henry Adams as probably the most complicated and most arduous ever trusted by the United States government in the hands of a single agent. (Adam's Life of Albert Gallatin, p. 613) Upon his arrival and before he had delivered his letters of credence Gallatin was met by an order in council excluding vessels of the United States after December 1st of that year from all colonial ports excepting those immediately bordering our territories. In answer to his expostulations he was informed that according to the ancient maxims of policy of European nations possessing colonies their trade was the exclusive possession of the mother country and all participation in it by other nations was a boon or favor not forming a subject of negotiation but to be regulated by the legislative acts of the power owning the colony; admittance to the British colonial had been made conditional, by act of the previous year, upon the placing of British shipping upon the footing of the most favored nation; Congress had failed of this condition. George Canning refused to even discuss the subject further. (Foreign Relations, VI, 209)

In some respects the United States had withdrawn from the position taken in 1824. Gallatin was authorized to agree (1) that there be a reciprocal and entire abolition of all alien or discriminating duties upon the vessel or cargo, by

whatever authority imposed, so as to place the vessels of the United States and those of Great Britain, whether colonial or British, concerned in the trade upon a footing of perfect equality and reciprocity. (2) That the United States consent to waive the demand which they have heretofore made of the admission of their productions into British colonies at the same and ~~an~~ higher rate of duty as similar productions are chargeable with when imported from one into another British colony with the exception of our produce descending the St. Lawrence and the Souel. (3) That the government of the United States will not insist upon a participation in the direct trade between the United Kingdom of Great Britain and Ireland and the British American colonies; but they do expect and require that their vessels be allowed to trade between those colonies and any foreign country with which the British vessels are allowed to trade. (Foreign Relations, VI, p. 248) This amounted in substance to the modification of Mr. Rush's Proposal insisted upon by the British plenipotentiaries in 1824; still Clay himself admitted that the act of 1822 was more advantageous to the United States than the one of 1825 particularly in the imposition of duties on articles of American produce. (Ibid, 248) Against Canning's assertion that the trade of the colonies must be regarded as a boon or favor Clay took strong ground maintaining that all commerce is founded upon mutual convenience and advantage and that "in trading with any colonies we have no more imagined that a

privilege had been gratuitously conceded to us than that we had made such a concession to the colonial power in allowing its colonies to trade with the United States. (Ibid, p. 259).

Canning avowed a determination to ascertain by experiment whether the West Indies could be made independent of the United States by opening the colonial trade to all the rest of the world and prohibiting it to the United States alone. (Adams' Gallatin, p. 616) He wrote to Gallatin: "Scarcity may justify the demand for a high price and monopoly may give the power of exacting it; but there is surely no understood compact between the buyer and the seller that the former shall not endeavor to make himself independent of the latter by opening the market to general competition. These obvious and simple considerations led to the act of Parliament of 1825 We were not bound by any engagement to continue a monopoly of such indulgence to one foreign power against another. We had for three years felt the inconvenience of such monopoly. We naturally sought, therefore, in our new measure, to avoid the recurrence of the like inconvenience, by making our indulgence general to all nations, and in order to keep the regulation of that indulgence in our own hands, we granted it by spontaneous legislation and not by positive treaty." (Foreign Relations, VI, 251) Gallatin detected the changed attitude of the British ministry and wrote to Clay: "On three points we were perhaps vulnerable. 1. The delay in renewing the negotiation.

2. The omission of having revoked the restriction on the indirect intercourse when that of Great Britain had ceased.

3. Too long an adherence to the opposition to her right of laying protecting duties. This might have been given up as soon as the act of 1825 had passed. These are the causes assigned for the late measures adopted towards the United States on that subject and they have undoubtedly had a decisive effect as far as related to the order in council, assisted as they were by the belief that our object was to compel this country (Great Britain) to regulate the trade upon our own terms. But even this will not account for the refusal to negotiate and the apparent determination to exclude us altogether hereafter from a participation in the trade of the colonies. There is certainly an alteration in the disposition of this government since the year 1818 when I was last here. Lord Castlereagh and Mr. Robinson had it more at heart to cherish friendly relations than Mr. Canning and Mr. Huskisson. The difference may, however, be in the times rather than in the men. Treated in general with considerable arrogance till the last war, with great attention, if not respect, during the years that followed it, the United States are now an object of jealousy; and a policy founded on that feeling has been avowed." (Adams' Life of Gallatin, p. 617)

The subject of the trade was referred by Adams to Congress and Senator Johnston of Louisiana, chairman of the

Committee on Commerce introduced a bill closing the ports of the United States to vessels from the British colonies after September 30, 1827 but providing that the act should not take effect if before that time the President should receive satisfactory information that our vessels were admitted at the enumerated British colonial ports. (Congressional Debates III, p. 399) Senator Smith of Maryland charged the administration of Monroe with having acted like lawyers before a county court rather than as statesmen who should have given an equitable construction to our act of 1815 and roundly rated Adams for not promptly accepting the terms offered by the British act of 1825. His remarks called forth a long and somewhat wearisome debate concerning the culpability of Monroe's and of the administration's management of the trade. Senator Smith proposed too that the discriminating duties be removed after December 31, 1827 and that the acts of 1818, 1820 and 1823, except the provision laying discriminating duties on foreign ships and cargoes be suspended until that time. (Congressional Debates, III, p. 403) Much argument was called forth concerning the date when the interdiction was to begin. On the one hand it was clear that until that time the British would continue to enjoy a monopoly of the trade, but on the other hand they were desirous of conciliating the British ministry by allowing them ample time to act before the interdict was to take effect. Senator Smith was throughout the most earnest opponent of the bill and of the admin-

istration though ably seconded by Berrien and Van Buren. Smith's amendment was substituted in the Senate and sent to the House. In that body Representative Tomlinson, chairman of the House Committee on Commerce had introduced a bill similar to that of Johnston in the Senate and the House was in the midst of their debate when the Senate bill was reported to them. The House bill was tabled and the Senate bill considered. There its provisions were thought too concessive and an amendment championed by Webster was attached providing that if no proclamation was issued before December 31, then the non-intercourse acts of 1818 and 1820 should revive and the act of 1823 and the section of the act under consideration forbidding higher duties after December 21 on British vessels or cargoes from the British colonies than on American vessels or cargoes from the same ports, be repealed. The Senate refused to accept this amendment and the House by a final vote of 75 to 65 voted to adhere to it. This disagreement lost the bill; Congress had not even repealed the act of 1823 which all were agreed formed an insuperable barrier to negotiation with Canning. March 17, 1827, after the adjournment of Congress, in conformity with the provisions of the act of 1823, the President issued a proclamation prohibiting trade and intercourse between the United States and the British colonial ports.

Throughout the history of this trade we find a gigantic system of smuggling carried on. The colonies of other powers

in the West Indies formed the entrepots for both the legitimate and the illicit trade during the periods when the direct intercourse was interdicted. The Danish island of St. Thomas, the Swedish one of St. Bartholomew and the Dutch St. Eustatius, as well as the Spanish islands were all centers for this trade. Trade could go to the Spanish islands, paying a duty of two per cent. for the benefit of drawback and to the Danish and Swedish islands without charge. (Lyman's Diplomacy of the United States, II, p. 334, and Congressional Debates, III, p. 1431) Mr. Tomlinson said in the house in February 1826: "A law prohibiting to those Islands (the British West Indies) the necessaries of life from the United States will not, it is believed, be executed. The army and navy of Great Britain would hardly be able to enforce a law which should entirely eat off an intercourse between this country and those Islands, that commenced when they were parts of the same empire, and which results from their juxta-position, and on which is founded a mutually beneficial commerce. Our flour can go to Matanzas, and paying a duty of two per cent. on its value, will probably eventually find its way to Jamaica, and the adjacent British possessions, some of which are distant only a night's sail. Before the ports were closed, it was understood that hams, jerked and salted beef, and pork, and other articles, which are prohibited to be imported, did, nevertheless, go to those Islands, in

abundance, in contravention of the act of Parliament" (Congressional Debates III, P.1431.) Niles' Register of November, 28, 1829 quotes the New Haven Herald as follows: "Notwithstanding our direct exclusion from the English islands, which formerly almost exclusively enjoyed the commerce of this port, our Yankees contrive to get off a good deal of truck; and though the voyage is a little more circuitous in consequence of this prohibition, and unproductive to the revenue in consequence of the tariff, returns being mostly made in specie, a pretty good business has been and is still doing, which bids fair to be well sustained!" After enumerating the amount of their export trade to the West Indies, the article concludes with the statement:- "About one-third of this trade goes to the French islands-- the rest, by hook and by crook, to the English." (Niles Vol. 37, p.214.)

The amount of the British West India commerce during this period is difficult to estimate; but the trade had certainly lost the relative importance that it possessed during the colonial and early national period. On the basis of Senator Sprague's statistics of the trade during the period 1820- 1830 (Register of Debates, Vol.8, p.695 fg.) compared with Soley's statistics of the national commerce for the same period (J.R. Soley's Maritime Industries of America in Shaler's United States of America, II, 538), we find our tonnage employed in the trade

with the British West Indies, 50,078 tons annually, constituted less than eight per cent of the total tonnage of the United States registered for the export trade, 636,430 tons annually; and this as compared with twenty per cent during the early national period. Part of this falling off can be ascribed to the fact as the Secretary of the Treasury points out in 1831 that many more of our vessels proceeded to the British colonies than cleared from our ports for those possessions; during four years of this time, 1827-1830 inclusive, the British colonial ports were closed to American vessels and such intercourse as was maintained on the part of the Americans was entirely through the neighboring neutral ports or by smuggling. Yet in a survey of the commerce of the year 1826 during which the British West India trade was open, Senator Silsbee pointed out in February 1827 that according to the Treasury report, the whole exports of our own produce and manufactures for that year amounted to \$66,944,745, and that according to the same report \$4,189,886 or about 6 1/4% of the amount of these exports went to the British North American and West India colonies combined, while of our whole export of foreign products and manufactures about one twenty-fifth part of one per cent went to those colonies; (Congressional Debates III, p. 421) of the American products exported to the British North American and West India colonies,

nine-tenths was comprised under the head of only seven different kinds of articles, viz: pot and pearl ashes, bread stuffs, meats, etc., lumber, leather, horses and mules, and tobacco; but the pot and pearl ashes were not for the Colonial but for the European market; deducting this item from the list, he placed the exportation to the British North American and West India Colonies at about one twenty-second part or four and a half per cent of the whole export of our own produce and manufactures, while of the total imports to the United States, those from the British Colonies, island and continental, constituted a little more than three per cent. By a comparison of the statistics in Niles covering the four years 1823-26 (Niles Register Vol. 34, p. 41) when the direct trade was open to American vessels, with Soley's statistics for the national exports during those years, we find that the average value of our exports to the British West Indies during those years was \$1,788,956 as compared with national exports to the average value of \$75,231,817 yearly; that is our exports to the British West Indies constituted slightly more than two per cent of our entire exports and only about fourteen and a half per cent of our entire West India exports which during the same period amounted to \$12,325,552 annually. Of this trade the Americans carried on

the average, during the ten years 1821-1830 inclusive, 50,078 tons annually compared with an average foreign tonnage in the same trade of only 4,043 tons. (Register of Debates, Vol. VIII, p. 696.)

In a letter to the Secretary of State, October 27, 1826, soon after his repulse in his first overtures, Mr. Gallatin after reviewing Canning's explanation of the British Statutes governing the West India trade, and particularly the effect of the act of 1825, added: "I wish that the President would take into consideration whether, supposing an arrangement, either by convention or by mutual modification on both sides of existing laws or regulations, to be practicable, it would be proper, so far as relates to navigation, to agree to the items contained in the acts of Parliament. The most important of the restriction on the direct or circuitous trade, that which limited the exportation from the British West Indies in American vessels to the United States has been repealed; and there remain but two such exportations cannot be made in American vessels to Great Britain or her dependencies, a point on which we cannot insist and which is already given up by the instructions; and the importation into those colonies of American produce, must, if made in American ves-

sels, be direct from the United States. Is it necessary on that account, to insist on the right of preventing British vessels, other than those coming direct from the colonies, from clearing from the United States for those colonies? Or, in other words, (for it is clear that with such restrictions, no arrangement is practicable) is it worth while, on that account to continue to cut off altogether the intercourse between the United States and the British colonies? On that question I beg leave to submit two observations: First. The right of importing produce of the United States into British West Indies from other places than the United States, is in itself of as great value. It might occasionally be convenient, when the market of Cuba or of other ports in the Gulf of Mexico, was glutted with American produce, to have a right to take it in American vessels to the British West India ports; but it is rarely that these will not, from the same cause, be also glutted at the same time, and that the expense of a double voyage and freight could be incurred. Secondly. Whilst contending for a nominal reciprocity, we must acknowledge that the other party must consider how far this reciprocity will be real. It is now ascertained that four-fifths of the tonnage employed in our intercourse with Great Britain herself are American and only one-fifth British.

Considering the species of population, the climate and commercial capital of the West Indies, and the distance of Great Britain, it is utterly impossible that the direct intercourse between the United States and the British West Indies should not with equal duties, be carried on in a still greater proportion in vessels of the United States. The only compensation, in that respect, to Great Britain, is to be found in the circuitous voyages which British vessels may make from that country through the United States, and her West India colonies; and I feel quite confident-- I think anyone acquainted with the subject will be of the same opinion--that even granting them that privilege, will leave more than three-fourths of the intercourse to our vessels.-----It will not escape you that the intercourse by sea between the United States and the British West Indies and North American colonies has already been considered as necessarily connected together by the British government, and that this connection has been kept up in the acts of Parliament, the articles proposed to Mr. Rush and indeed in all former proposals on their part." (Writings of Albert Gallatin, Vol. II, p. 335.) This letter is quoted at such length because it presents a clear and fair view of the situation and because after this representation the United States thenceforward abandoned

whatever pretensions they had previously set up beyond the acts of Parliament. From this time, they labored more to secure admissions to the West Indies upon the basis of proposed alterations in their regulation of the trade than through treaty concessions.

April 11, 1827, Mr. Clay informed Mr. Gallatin that the President was willing to recommend to Congress at its next session, first, that the alien duties on British vessels and cargoes be repealed, allowing them to enter our ports with the same kind of British or British colonial produce as might be imported in American vessels, the vessels of both nations paying the same charges; and, secondly, that the restrictions in the act of 1823 concerning the direct trade between the United States and the British colonies, so that Great Britain should be left in the exclusive possession of the circuitous route between Great Britain proper, through her colonies, and the United States. (Register of Debates. Vol. 7, Appendix, p. 187.) Gallatin was instructed to inquire whether the passage of an act of Congress to that effect would lead to the abolition of the discriminating duties on American vessels in the British colonial ports and to the enjoyment by our vessels of the advantages offered by the act of July 5, 1825. In a note of June 4, 1827, Mr. Gallatin informed Lord Dudley of

the willingness of the United States to regulate the colonial trade by separate legislation but secured no answer and on applying to Mr. Canning to know whether he might expect a reply was told that such was not the intention; that they considered the note as merely furnishing explanations. A subsequent conference with Mr. Huskisson was but little more satisfactory. August 17, after Canning's death, Gallatin addressed another note to Lord Dudley to which the latter replied declining to commit the British government as to their course in the event of the United States adopting the measures proposed, for three reasons; "1st. That much must of necessity depend upon the details of the act which Congress might pass; 2ndly, more on the condition of the country at the time of the passage and the views which the British government might have of their interest in the matter; 3rdly, that any stipulation on the subject would be a virtual departure from the ground taken by his government to regulate the trade by law, and to decline all further negotiation concerning it." (Register of Debates. Vol. 7, Appendix, p. 169.) In July 1827, another British order in council was issued embracing the regulations of the colonial trade of Great Britain with all nations; this made no change in the regulation of the colonial trade with the United States, but

merely recited the terms of the act of 1825 and declared their ports closed against those nations including the United States, which had not accepted it. (Ibid, Appendix, p' 169.) The trade remained upon this basis until the McLane negotiation.

Early in Jackson's administration, Louis McLane, our minister to Great Britain, was advised by Van Buren, Secretary of State, that it was "the anxious wish of the President to put an end to a state of things so injurious to all parties;" that he was "willing to regulate the trade upon terms of reciprocal advantage and to adopt for that purpose those which Great Britain has herself elected and which are prescribed by the act of Parliament of July 5, 1825, as it is understood by us." (Register of Debates. Vol. 7, Appendix 170.) His propositions submitted to the British Government were exactly the same as those offered by Gallatin in accordance with Clay's letter of April 11, 1827; British vessels coming from the British colonies laden with such colonial produce as could be imported in American vessels, should be admitted in our ports upon the same terms as American vessels, and the restriction of our act of 1823 confirming the trade to a direct intercourse should be repealed if only Great Britain would extend to us the privileges of the act of 1825.

As to the mode of arrangement- by treaty or by separate legislation- the President was indifferent. (Ibid, Appendix p. 171.) With reference to the ground taken by the last administration, Van Buren wrote: "The opportunities which you have derived from a participation in our public councils, as well as other sources of information, will enable you to speak with confidence (as far as you may deem it proper and useful so to do) of the respective parts taken by those to whom the administration of this Government is now committed, in relation to the course heretofore pursued upon the subject of the colonial trade. Their views upon that point have been submitted to the people of the United States and the counsels by which your conduct was directed are the result of the judgment expressed by the only earthly tribunal to which the late administration was amenable for its acts. It should be sufficient that the claims set up by them, and which have caused the interruption of the trade in question have been explicitly abandoned by those who first asserted them and are not revived by their successors. If Great Britain deems it adverse to her interests to allow us to participate in the trade with her colonies and finds nothing in the extension of it to others to induce her to apply the same rule to us, she will, we hope, be sensible of the propriety of placing her refusal on those

grounds. To set up the acts of the late administration as the cause of forfeiture of privileges which otherwise would be extended to the people of the United States, would, under existing circumstances, be unjust in itself, and could not fail to excite their deepest sensibility. (Ibid, Appendix p. 170.) It was these instructions that called forth the denunciation of the National Republicans upon Van Buren and caused his rejection by the Senate shortly afterwards as minister to Great Britain, whence a chain of closely allied circumstances led to the President's chair. The opposition party in Congress and their press outside looked upon the phrases as humiliating to national pride and an unnecessary abnegation before a foreign power. The Young Men's Party platform of 1832 denounced his negotiation relative to the colonial trade as derogatory to the national character. (Stanwood's history of the Presidency, p. 159.) Niles arraigned it in similar terms. (Niles Register Vol. 40, p. 250.) Henry Adams calls it a very degrading apology. (Adams Life of Gallatin, p. 616.) Edward M. Shepard palliates his conduct, referring to Van Buren's statement that the people had, by the last election, condemned the assertion of the claims urged by Adams, he says: "The statement was at least an exaggeration. There was little

reason to suppose that Adam's failure in the negotiation over colonial trade had much, if at all, influenced the election of 1828. Nor was it dignified officially to expose our party contests to foreign eyes. But Van Buren was intent upon success in the negotiation. He could succeed where others had failed, only by a strong assertion of a change in American policy. His fault was at most one of taste in the manner of an assertion right enough and wise enough in itself." (Shepard's Life of Van Buren, p. 188.) But as a matter of fact any such allusion by Van Buren to the policy of the preceding administration could apply with force only to the early portion of that term; Through Gallatin's influence, their earlier policy had already been renounced and an earnest attempt already made to secure admission to the colonial trade upon the terms prescribed by the act of 1825. There was no change of policy and as we shall see Van Buren's apology by no means had the influence in promoting negotiations that he had anticipated.

McLane entered actively upon his chief's plans. He presented the case in the frank open manner advised by Van Buren. Much stress was laid upon the invidious policy adopted by Great Britain in opening her colonial ports to Russia, Spain, Sweeden, and France notwithstanding a similar omission

on their part to accept the terms offered by the act of July, 1825, leaving the United States with a commerce several times theirs in extent, the sole excluded power. Referring to the neglect of the United States to accept the terms of that act, he said: "Whether it be a subject more of regret or of censure, it ought to be enough that the claims advanced in justification of it have since been abandoned by those who made them, have received no sanction from the people of the United States, and that they are not now revived. If it be the intention of Great Britain to perpetuate the present state of things from a belief that it is more for her interest, she will require no warrant from the past; and if she intend it for any other purpose, the mistakes of the past will not justify a policy observed towards the United States alone while unenforced against other nations chargeable with similar neglect." (Register of Debates, Vol. 7, Appendix, p.176.) The importance of the trade to the British West Indias was forcefully presented. He showed that of 383,332 bushels of corn and grain imported into those islands in 1825, 237,248 bushels were introduced from the United States as against 7,012 bushels from the British colonies in North America and 9,247 from the foreign West Indias, showing that the United States, in the regular course of the trade was the natural and cheapest source of supply. In 1828, with their

ports closed to American vessels, of the aggregate importation, reduced to 351,832 bushels, only 27 bushels were introduced directly from the United States, but 126,221 from the foreign West Indias and 45,495 from the British colonies in North America. Similar results were shown in the case of meal, flour and rice. Of the amount of lumber introduced after the interruption of the direct trade nearly one-half of the most valuable kinds which previously went direct from the United States, passed through the foreign West Indias; of shingles considerably more than one-half; and of staves a greater number were imported from the foreign West Indias in 1828 than were imported directly from the United States in 1825. He showed clearly that the greatly increased importation from the foreign West Indias came ultimately from the United States; and while the importance of the trade to the planters was thus exemplified, it was also shown that of any advantages accruing from the diversion of it into indirect and circuitous channels, the major part was conferred not upon their North American colonies but upon the foreign West Indias; meanwhile the planters were suffering the evils of the indirect trade through the charges of double freight and insurance, the expenses of transshipment and the commissions and duties of the neutral islands, estimated at fifty per cent on the first cost of lumber, and fifteen to twenty per cent on provisions.

McLane made slow progress with his negotiations however. He importuned Lord Aberdeen for an early answer indicative of the policy to be pursued by Great Britain in order that Congress might take such steps as the situation might call for. The President was anxious to bring the negotiations to a successful issue before Congress adjourned. Van Buren wrote plainly: "I am directed explicitly to state that the President will consider it his duty in case that this negotiation should eventuate unfavorably upon this point to recommend to Congress an extension of the interdict now existing as to the West India possessions of Great Britain, to those which she holds in the Northern ports of this continent." (Register of Debates, Vol. 7, Appendix, p. 184.) Lord Aberdeen showed himself much less inclined to treat than could have been wished. McLane failed utterly in securing satisfactory terms from him before the adjournment of Congress though he began his efforts early in December. Niles' Register of May, 1830, in a brief item headed "The British West India Trade", has the following: "It is positively stated that the negotiations relative to this trade have failed-- the British government having refused to accept the terms proposed by Mr. McLane-- he not having offered any good or sufficient reasons." (Niles' Register, Vol. 38, p. 138.)

In closing his dispatch to Van Buren, April 6th, McLane suggested: "I do not believe that any legislation by Congress with a view to that state of things and vesting in the President a discretion to regulate the trade or rescind our laws in either of these contingencies would in any manner prove prejudicial." (Register of Debates, Vol.7, Appendix, p.183.) The result of this suggestion as Van Buren wrote him under date of June 18th, was the act of May 29th, 1830, authorizing the President to declare the acts of 1818, 1820 and 1823 repealed whenever American ships should be allowed in the British West Indies on the same terms as British ships from the United States and when they should be allowed to export from those colonies to any country other than British dominions, any articles which could be exported therefrom in British vessels. This it seems clear was the turning point in the negotiation. It was this act which won over Lord Aberdeen. He wrote in his next communication: "The proposition now made by Mr. McLane for the revocation of the order in council of 1826, stands upon a ground materially different from that on which the same question was brought forward in the notes of Mr. Gallatin in 1827, and even in the more explanatory overtures of Mr. McLane, contained in his communications of December, 1829 and March, 1830. Those several proposals were, all of them, invitations to the British

government to pledge itself, hypothetically, to the revocation of the orders in council, in the event of a repeal of those acts of the American Congress which gave occasion to it. His Majesty's Government declined to give that prospective pledge or assurance, on the grounds stated in Lord Dudley's note of the 1st of October, 1827. But the objections then urged are not applicable to the present overture. Provision has now been made by an act of the American Legislature, for the re-establishment of the suspended intercourse upon certain terms and conditions; and that act being now before his Majesty's Government, it is for them to decide whether they are prepared to adopt a corresponding measure on the part of Great Britain for that object." (Register of Debates Vol. 7, Appendix, p. 188.) It was this step, not Van Buren's apologies, that opened the way to negotiation, and however justifiable Van Buren's instructions may have been, they can scarcely base their justification upon their success.

Lord Aberdeen declared that the act of Congress afforded the British Government complete satisfaction on the several points which had been in dispute between the two countries. Some ambiguities of the act were amicably explained and their construction approved by the President. McLane was given notice however that the British government expected to modify their schedule of duties somewhat with a view more

effectively to support the interests of their North American colonies. October 5th, 1820, the President issued his proclamation giving effect to the act of May 29th, repealing the restrictive acts of 1818, 1820 and 1823, and opening the ports of the United States to British vessels coming from the British colonies on the same terms as American vessels from those colonies. This proclamation and the instructions from the Treasury Department to the collectors of customs executing it were transmitted to the British government and promptly November 5th, an order in council was issued revoking previous orders of 1823, 1826, and 1827 so far as they related to the United States and allowing American vessels to import from the United States, into the British possessions abroad, articles of American produce, and with freedom to export goods thence to any foreign country. (Register of Debates, Vol.7, Appendix, p.193.)

April 22nd, 1831, Parliament passed an act as Lord Aberdeen had forewarned McLane they would do, modifying the act of July 5th, 1825, and its amendments in such a way as to give a decided preference to goods entering their West India ports from their Northern provinces. Corn, grain, meal, rye, flour, biscuit, rice and live stock were allowed to be imported from the United States to the West Indies duty free, but duties practically prohibitory in amount were laid upon

other staple American productions if imported direct from the United States: flour, five shillings a barrel, beef and pork twelve shillings a hundred weight, wood and lumber one pound and eight shillings a thousand feet; while the same articles if imported from the Northern colonies, were admitted free of duty; and lastly, these articles were admitted free of duty into the Northern colonies. (Niles' Register, Vol.41, p. 111, and Register of Debates, Vol. 8, p.690.) The design was clear: American shipping was by the terms of the arrangement confined to the direct trade; American produce under prohibitory duties in the West Indias would be forced into the nearby provinces on the North, thence to be transported in British ships to the West Indias duty free. This diversion of the trade was a severe blow to the American shipping interests; it deprived them of the long voyages to the foreign West Indias, with large profits, which they had practically monopolized, and drove them to the short trips to the contiguous British North American colonies with correspondingly small profits.

In his message to Congress, December 6th, 1831, after the arrangement had been in operation one year, President Jackson reported that there was every reason to believe that it would prove beneficial. (Messages and Papers of the Presidents, Vol.II, p.546.) He reported that the newly au-

thorized trade had employed to September 30th, 1831, (a period of less than a year) 30,000 tons of American shipping and 15,000 of foreign shipping in the outward voyages, and in the inward nearly an equal amount of American and only 20,000 of foreign tonnage. But the opposition pointed out the fact that before the arrangement, practically the entire trade had been in the hands of the Americans, while now they were forced to enter a sharp competition for a share; from a proportion of 8% in the trade from the United States to the British West Indias during the period 1821--1830, foreign tonnage in the first year of the opened trade rose to a proportion of over 46%, and in the trade with the British North American colonies rose from less than 10% to more than 110% of the American tonnage engaged in the same trade, while in the trade with the foreign West Indies, the percentage of foreign shipping rose perceptibly. (Register of Debates, Vol.8,p.629.) In a comparison of the absolute amount of tonnage carried by American shipping before and after the arrangement, Van Buren's concessions were again placed in an unfavorable light. For the year 1830, with closed ports, American tonnage engaged in a trade with the British West Indias was 22,428, compared with 38,046 the year following under the new arrangement, while British

shipping grew from only 182 tons for 1830 to 23,760 tons for the year 1831. (Niles' Register, Vol. 43, p. 87.) With the American ports closed to them, British shipping had been confined to the short trips between their West India colonies and the neutral ports of the foreign West Indies where American produce was brought except for the smaller share sent by way of Canada. Because of the circuitous trade previously carried on to the British West Indies by way of the Northern provinces and foreign West Indies, the only way in which to make an estimate of the amount really gained or lost by the arrangement is to compare the amount of the total trade with the Northern provinces and West Indies, both British and foreign, during equal periods before and after the arrangement. According to a statement from the Treasury Department, prepared at the request of Senator Holmes, there were in the whole trade for the year 1830, before the arrangement, 201,946 tons of American shipping, compared with only 161,455 tons for the year 1831, while with only 11,101 tons of shipping in 1830, under the new arrangement, foreign tonnage (nearly all British) had grown to 110,899 tons. (Niles' Register Vol. 42, p. 147.) McLane had been transferred

from the court of St. James to the head of the Treasury Department, and the National Intelligencer scathingly remarked: "The documents now certified to by the very minister

who conducted the negotiation contain the damning evidence that the effects of the arrangement are not less disastrous to our shipping interests than the tone of the instructions was disgraceful to our honor." (Ibid, Vol.42,p.148.) The administration claimed that the advantages resulting to our agricultural interests from the increase of trade for our states bordering on the St.Lawrence and Great Lakes would more than prove equivalent to the loss sustained by discrimination made by Great Britain to favor her Northern colonies. One of the provisions of the British order, exciting most censure was that restricting American ships to American produce while allowing British vessels the entire transportation of foreign productions from the United States to their colonies, but as has been already shown, the transportation of foreign commodities was not large, and the principle involved was one of the fundamentals of the navigation system to which England was committed. The whole subject was thoroughly debated in ^{the} Congress of 1831- 32 and as earnestly defended as denounced, though it cannot be doubted that the intense partisanship of the period often moulded their view to the expense of statesmanship. Senator Kane said with much reason: "After this Government has been struggling ever since the late war to induce Great Britain to believe that the mutual interests of both countries require this trade

to be opened; and after it is done we are to turn around and complain of it because the English get some benefit as well as ourselves!" (Register of Debates, Vol.8,p.735.)

And he took unassailable ground when he declared that in spite of their denunciation of the arrangement, no Senator or Representative had proposed to alter our legislation "When everybody knows that an act of legislation could at once remove every difficulty and place us where we were before the arrangement took place." (Ibid,p. 735.)

While the opposition were bitter in denunciation of the arrangement and the steps by which it had been obtained, they would have done well to compare the ground assumed in Van Buren's instructions to McLane with that taken by Clay in his dispatch of April, 11th, 1827, to Gallatin. The oft-repeated charge that the administration had basely surrendered the American pretensions came with ill grace from the followers of Clay. However, when impartially viewed, the American pretensions had no rational reason for existence in any case, as those who undertook the negotiations came successfully to see. There can be no doubt that Adams and Clay would have opened the trade upon precisely the terms accepted by Jackson and Van Buren if they could have persuaded the British government to that view three years before. Indeed much of the rancor with which the opposition attacked the administration can be attributed to the

chagrin which was felt over the loss of a prize so nearly gained, and their resentment at the exultant triumph of their rivals when they had been rebuffed. Not that the achievement in itself amounted to so much, for as has been already shown, the West India trade by no means possessed the relative importance that it had at an earlier period, but the regulation of the West India trade was a sort of diplomatic heritage and its settlement was heralded as a great diplomatic triumph. Sumner proves that the old arrangement was better than the new by the fact that the illicit trade went on after the direct intercourse was opened, (Sumner's Life of Jackson, p. 170.) but the administration trumpeted the diplomatic victory wrung from Great Britain (after six previous unsuccessful negotiations) by the old Roman who asked for nothing but what was right and submitted to nothing that was wrong. Benton says: "It made its sensation at the time and a great one. The friends of the Jackson administration exulted; the people rejoiced." (Benton's Thirty Years' View, I, p. 128.) Mr. Harries, in the British Parliament, described the contest just terminated as one of the most interesting of national controversies. (Register of Debates, Vol. 8, p. 686.) Though it is true that the American government could at an earlier period have secured the trade upon better and more exclusive terms, and, though they in the end accepted

what they had hitherto refused, nevertheless the negotiation adjusted a question which had for forty years bred ill feeling between the two powers, and without securing particular concessions settled it upon the only terms which Great Britain was at that time willing to extend to any foreign power, and upon terms of such mutual satisfaction as, with England's increasing liberalism in trade, disposed finally of a controversy which had played so large a share in the diplomatic history of our country and which was coeval with our national existence.

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